

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 28

Special Meeting

September 6, 2005

Town Board Minutes

September 6, 2005

Meeting No. 28

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of September 2005, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: MICHAEL MYSZKA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions.

IN THE MATTER OF THE SEQR REVIEW OF THE

LARKSPUR EAST PATIO HOMES SUBDIVISION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Larkspur East Patio Homes Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING MOTION WAS OFFERED
BY PLANNING BOARD CHAIRMAN KEYSA,
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:**

To table this matter in order to determine if a prior archaeological report is on file with the Town of Lancaster which addresses the concerns of the NYS Department of Environmental Conservation in their communication to the Town Attorney dated August 5, 2005.

LARKSPUR EAST PATIO HOMES SUBDIVISION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 15± acres.

The location of the premises being reviewed is situate on Primrose Lane, Erie County, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - Construction on land where bedrock is within two (2) to three (3) feet of the existing ground surface.
 - Construction will continue for more than one year.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will have a small to moderate impact on a water body designated as protected.
 - Construction of a roadway/turnaround in the buffer area.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
 - Pesticide and herbicide will be applied for lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.

12. The impact to sites or structures of historic, pre-historic or paleontological importance are yet to be determined.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will be a small to moderate impact related to noise, odors, and/or vibration.
 - Blasting during the construction of the sanitary sewer system may occur in proximity to a nursing home facility.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - Land use density will change.
 - Demand for schools, police & fire services will increase.
 - Employment will increase during construction.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

The question was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The motion to table this matter was thereupon adopted.

September 6, 2005

**IN THE MATTER OF THE SEQR REVIEW OF THE
GOURMET GROCERY STORE**

The Municipal Review Committee having tabled the Long Environmental Assessment of the Gourmet Grocery Store rezoning matter on June 6, 2005 in order to conduct a scoping session on traffic hereby adopts as follows:

THE FOLLOWING RESOLUTION WAS OFFERED BY
PLANNING BOARD CHAIRMAN KEYSA, WHO
MOVED ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER SZYMANSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
GOURMET GROCERY STORE
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.99 acres.

The location of the premises being reviewed is 4745 William Street, Erie County, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the following additional impacts:

Response to item #15 of Part II - Project Impacts

The proposed action will have a small to moderate impact on existing transportation systems.

- There will be a small to moderate impact on patterns of movement.
- The proposed action could result in major traffic problems. The developer plans to mitigate any traffic impact by installing a traffic signal.

Response to item #2 of Part II - Project Impacts

There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

September 6, 2005

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED NO
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon adopted.

September 6, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD CHAIRMAN KEYSA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Review Committee for SEQR Review for the Town of Lancaster has duly reviewed the site plan provided by the developer, The 17 Acre Group, 300 Ohio Street, Buffalo, New York and finds it to be in compliance with the Environmental Review and Negative Declaration that was issued on August 1, 2005.

WHEREAS, the Municipal Review Committee has given due review and consideration to the developer's site plan and deems it to be in compliance with the Environmental Review and Negative Declaration.

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee for the Town of Lancaster acting as lead agency approves the site plan of the 17 acre parcel involving Progressive Insurance and Enterprise Car Rental finding that the proposed development is in compliance with the SEQR review previously undertaken by the lead agency.

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the foregoing resolution was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES


September 6, 2005

ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA AND
SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:26 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

**Meeting
No. 29**

Regular Meeting

September 6, 2005

Town Board Minutes

September 6, 2005

Meeting No. 29

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of September, 2005 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR to deliberate in Executive Session for the announced purpose of discussing a Police personnel matter and a contractual matter regarding the Central Avenue bridge which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:35 P.M., the Town Board reconvened with all members present.

The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Depew Branch Public Library
- Depew Police Department Study

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- proposed Gourmet Grocery Store on William Street
- Gateway Center at Transit Road/William Street

Halter Brent, 641 Harris Hill Road, spoke to the Town Board on the following matter:

- proposed senior citizen apartment complex rezone matter on Bradley Drive

Bkzoskowski (Mach), Madalen, 40 St. Mary's Street, spoke to the Town Board on the following matter:

- property she owns off Westwood Road

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUT, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 15, 2005 and the Regular Meeting of the Town Board held August 15, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, David Smith, 6026 Broadway, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on Pavement Road near Broadway, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that David Smith, 6026 Broadway, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant on Pavement Road near Broadway, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector and that the same restrictions apply as in the previous resolution.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: RPERMIT.DUM(6)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor has requested the creation of one (1) position of
Public Safety Dispatcher in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1)
position of Public Safety Dispatcher in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

file: RPERSRPERS.CRE (P9)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, a newly created, budgeted position of Public Safety Dispatcher exists in the Town of Lancaster Police Department, and

WHEREAS, the current civil service eligibility list for the position of Public Safety Dispatcher has been duly canvassed by the Chief of Police of the Town of Lancaster and Jennifer Armstrong qualifies for appointment to this position pursuant to the procedures as set forth in the Civil Service Law, and

WHEREAS, the Supervisor by memorandum dated August 26, 2005 has recommended the appointment of Jennifer Armstrong to fill this position of Public Safety Dispatcher in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Jennifer Armstrong be and is hereby appointed to the position of Public Safety Dispatcher in the Police Department in the Town of Lancaster effective August 31, 2005 at the starting salary of \$32,744, on step, which is 75% of full salary in accordance with the 2005 Schedule of Salaries for this position.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: RPEKS.CIV (17)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has recommended a promotion from Patrolman to Lieutenant due to the retirement of William Carroll.

NOW, THEREFORE, BE IT

RESOLVED, that Marco Laurienzo be and is hereby appointed Lieutenant in the Town of Lancaster Police Department on September 7, 2005 with a salary as follows:

09/07/2005 - start of 1st half of probationary period: \$61,132 per annum

12/07/2005 - start of 3rd quarter of probationary period: \$63,508 per annum

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

file: rpers\rpers.upg (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B)(1)(j) of the Code of the Town of Lancaster, upon the application of Fred Hanania, for a Special Use Permit for an automobile rental facility (Enterprise Car Rental) on premises located at 6699 Transit Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Fred Hanania for an automobile rental facility (Enterprise Car Rental) on premises located at 6699 Transit Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B)(1)(j) of the Code of the Town of Lancaster, upon the application of Zaremha Group, LLC, for a Special Use Permit for a motor vehicle insurance facility (Progressive Insurance) on premises located at 6691 and 6699 Transit Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Zaremha Group, LLC for a motor vehicle insurance facility (Progressive Insurance) on premises located at 6691 and 6699 Transit Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rspecialuseprogressiveinsurancefacility605a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, The 17 Acre Group, 300 Ohio Street, Buffalo, New York, has submitted a Site Plan prepared by Wm. Schutt & Associates, P.C., dated August 2, 2005 and received August 2, 2005 for the construction of a 1,600 sq. ft. Enterprise Car Rental and a 2,100 sq. ft. retail facility and associated infrastructure/utilities to be located at 6691 and 6699 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting August 17, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held August 1, 2005 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by The 17 Acre Group, prepared by Wm. Schutt & Associates, P.C., dated August 2, 2005 and received August 2, 2005 for the construction of a 1,600 sq. ft. Enterprise Car Rental and a 2,100 sq. ft. retail facility and associated infrastructure/utilities to be located at 6691 and 6699 Transit Road in the Town of Lancaster and further that the Town Board in approving this site plan waives the requirement contained in Town Code § 50-20 (C) (2) that the site being so developed shall abut a dedicated street, said waiver being made pursuant to the authority granted to the Town under Town Law § 274-a (5) which enables the Town Board to waive requirements otherwise necessary for the approval of the site plan, and

BE IT FURTHER

RESOLVED, that the approval of the site plan is subject to the following conditions:

- 1) A berm to be constructed upon the east line of property owned by or to be owned by Progressive with landscaping provided as a buffer between Progressive property and adjoining residential area.
- 2) . No automobile repairs to be done on site.
- 3) Upon completion of construction and issuance of a certificate of occupancy, the East building shall be used as a Progressive insurance claims facility/office.
- 4) Upon completion of construction and issuance of a certificate of occupancy, a portion of the west building shall be used as an Enterprise automobile rental facility.
- 5) Site plan shall show an oil/water separator with a maintenance plan.

6) The site shall not be used for warehousing and storage services, as defined in Section 50-20 (1) (e) of the Zoning Code.

7) The site shall not be used for gasoline service stations, as defined in Section 50-20 (1) (h) of the Zoning Code,

8) The site shall not be used for motor vehicle washings, as defined in Section 50-20 (1) (h) of the Zoning Code, except for the washing of motor vehicles as an incidental use on site, but under no circumstances shall any vehicle washing facilities be used as a primary use or a commercial use open to the general public.

9) No fueling facility, either as a primary use or an incidental use, shall be present on site.

10) Fencing shall not be chain link and shall not contain barbed wire.

11) No damaged vehicles to be stored on site for a period of more than one (1) week, however, every effort shall be made to have damaged vehicles removed within forty-eight (48) hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER S'EMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rspinnerprisecarrental805

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, The 17 Acre Group, 300 Ohio Street, Buffalo, New York, has submitted a Site Plan prepared by Wm. Schutt & Associates, P.C., dated August 2, 2005 and received August 2, 2005 for the construction of a 18,000 sq. ft. Insurance Claim Center and associated infrastructure and utilities (Progressive Insurance) to be located at 6691 and 6699 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting August 17, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held August 1, 2005 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by The 17 Acre Group, prepared by Wm. Schutt & Associates, P.C., dated August 2, 2005 and received August 2, 2005 for the construction of a 18,000 sq. ft. Insurance Claim Center and associated infrastructure and utilities (Progressive Insurance) to be located at 6691 and 6699 Transit Road in the Town of Lancaster and further that the Town Board in approving this site plan waives the requirement contained in Town Code § 50-20 (C) (2) that the site being so developed shall abut a dedicated street, said waiver being made pursuant to the authority granted to the Town under Town Law § 274-a (5) which enables the Town Board to waive requirements otherwise necessary for the approval of the site plan, and

BE IT FURTHER

RESOLVED, that the approval of the site plan is subject to the following conditions:

- 1) A berm to be constructed upon the east line of property owned by or to be owned by Progressive with landscaping provided as a buffer between Progressive property and adjoining residential area.
- 2) No automobile repairs to be done on site.
- 3) Upon completion of construction and issuance of a certificate of occupancy, the East building shall be used as a Progressive insurance claims facility/office.
- 4) Upon completion of construction and issuance of a certificate of occupancy, a portion of the west building shall be used as an Enterprise automobile rental facility.
- 5) Site plan shall show an oil/water separator with a maintenance plan.

6) The site shall not be used for warehousing and storage services, as defined in Section 50-20 (1) (e) of the Zoning Code.

7) The site shall not be used for gasoline service stations, as defined in Section 50-20 (1) (h) of the Zoning Code.

8) The site shall not be used for motor vehicle washings, as defined in Section 50-20 (1) (h) of the Zoning Code, except for the washing of motor vehicles as an incidental use on site, but under no circumstances shall any vehicle washing facilities be used as a primary use or a commercial use open to the general public.

9) No fueling facility, either as a primary use or an incidental use, shall be present on site.

10) Fencing shall not be chain link and shall not contain barbed wire.

11) No damaged vehicles to be stored on site for a period of more than one (1) week, however, every effort shall be made to have damaged vehicles removed within forty-eight (48) hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rspprogressiveinsurance805

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, D.R. CHAMBERLAIN CORPORATION, 50 Simonds Street, Lockport, New York 14094, has submitted a Site Plan prepared by Wm. Schutt & Associates, P.C., dated July 5, 2005 and received July 5, 2005 for the proposed construction of a 21,000 sq. ft. +/- Honda Power Center and 18,000 sq. ft. +/- Auto Auction Facility each with associated asphalt parking areas on approximately 14.1 +/- acres of a 28 +/- acre parcel located along the north side of Walden Avenue to the east of Pavement Road and to the west of Ward Road in the Town of Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting July 20, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held August 15, 2005 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by D.R. Chamberlain Corp. and prepared by Wm. Schutt & Associates, P.C., dated July 5, 2005 and received July 5, 2005 for the proposed construction of a 21,000 sq. ft. +/- Honda Power Center and 18,000 sq. ft. +/- Auto Auction Facility each with associated asphalt parking areas on approximately 14.1 +/- acres of a 28 +/- acre parcel located along the north side of Walden Avenue to the east of Pavement Road and to the west of Ward Road in the Town of Lancaster, New York with the following conditions:

- A revised landscape plan to be approved by Crew Chief Terrence McCracken.
- Lighting must be to code with flatlenses.
- Lighting plan needs to be added to the site plan.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, HEATHER DESIMONE, the owner of real property situate at 34 Ashwood Court, Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (hair salon) in accordance with provisions of Chapter 50- Zoning Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17 (F) entitled "Home Occupations" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation (hair salon) on premises locally known as 34 Ashwood Court, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of September 2005, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rspecialuscheatherdesimonebeautysalon

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT - DESIMONE**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F) "Home Occupations" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of September, 2005, the Town Board will hold a Public Hearing on the 19th day of September, 2005, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Heather A. DeSimone, for a Special Use Permit for a Home Occupation (hair salon) on premises locally known as 34 Ashwood Court, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

September 6, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, Richard Rccsc, has advised the Town Board that the Highway Department has the following items which are no longer of use to the department and he has requested that the Town Board therefore deem the property to be surplus property and expose it to auction:

- 1991 Autocar Dump w/wing and plow, VIN#4VsSERBE8MU508405
- 1994 Chevrolet Pick-up, VIN#1GCFC24Z5RZ260974
- 1999 Ford Crown Victoria, VIN#2FAFP71W6XX205633
- One leaf box
- Three wings
- One front plow
- Miscellaneous radios

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned property to be surplus property and permit a public auction of same.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned property to be surplus property and authorizes the Highway Superintendent to auction the beforedescribed property and that the Town Clerk to publish the Public Notice of Auction in the Lancaster Bee, the official newspaper of general circulation in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the following Town Highway Department surplus equipment will be auctioned at 11199 Main Street, Clarence, New York on September 17, 2005 at 9:00 AM:

- 1991 Autocar Dump w/wing and plow, VIN#4VsEBBE8MU508405
- 1994 Chevrolet Pick-up, VIN#1GCFC24Z5RZ260974
- 1999 Ford Crown Victoria, VIN#2FAFP71W6XX205633
- One leaf box
- Three wings
- One front plow
- Miscellaneous radios

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, General Crew Chief Terrance McCracken in the Department of Parks, Senior Facility and Buildings & Grounds has requested that the Town Board authorize an invitation to bid for the removal and replacement of the roof on the Town's storage building which also houses the Lancaster Radio Club, known as Building #28, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bid.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for the removal and replacement of the roof on the Town's storage building which also houses the Lancaster Radio Club, know as Building #28, said bids to be in conformance with the specifications attached hereto and to be received in the office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on September 22, 2005 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rtownstoragebldglancasterradioblub905

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 22nd day of September 2005, for furnishing to the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, New York, removal and replacement of the roof on the Town's storage building which also houses the Lancaster Radio Club, known as Building #28 for use by the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of 10% payable to the Town of Lancaster and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY:

JOHANNA M. COLEMAN
Town Clerk

September 6, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 17043 to Claim No. 17345 Inclusive

Total amount hereby authorized to be paid: \$413,941.10

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: Relains

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

TABLED PERMIT:

13241 Kids Korner 2655 Wehrle Dr Er. Sign-Temo

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13168	Q&M Contracting Inc	875 Erie St	Er. Res. Add.	
13169	Hager, Robert	30 Cayuga Ave	Er. Res. Add.	(V/L)
13170	Federal Fence	10 Cobblestone Ct	Er. Fence	
13171	Sebastiano & Sons	1166 Penora St	Er. Garage	
13172	Domm, Jeffrey	17 Waltham Ave	Er. Deck	(V/L)
13173	Lake LLC	65 Lake Ave	Er. Apt. Unit B	(V/L)
13174	Lake LLC	65 Lake Ave	Er. Apt. Unit C	(V/L)
13175	Lake LLC	65 Lake Ave	Er. Apt. Unit A	(V/L)
13176	Majestic Pools Inc	4 Candlestick Ct	Er. Fence	
13177	Majestic Pools Inc	4 Candlestick Ct	Er. Pool-In Grnd	
13178	Armatys, Joseph	14 St Joseph St	Er. Fence	(V/L)
13179	Staffeldt, David	12 St Joseph St	Er. Fence	(V/L)
13180	Gregor, Brian	302 Enchanted Forest	Er. Shed	
13181	Vertoske, Michael	12 Village View	Er. Shed	
13182	S & S Construction	3753 Bowen Rd	Er. Garage	
13183	Essex Homes Of WNY	33 Americo Ct	Er. Dwlg.-Sin.	
13184	Flexlume Sign Corp	5226 Broadway	Er. Sign	(V/L)
13185	Schmitt, Barbara Ann	3577 Walden Ave	Er. Res. Alt.	(V/L)
13186	Ferry Builders Inc	90 Burwell Ave	Er. Res. Add.	(V/L)
13187	Leisurewood Design	19 Ashwood Ct	Er. Deck	
13188	Fudoli, Nicole	6335 Transit Rd	Dem. Dwlg.	
13189	Rinow, Daniel	146 Hinchey Ave	Er. Pole Barn	(V/L)
13190	Greenfield Manor Inc	5949 Broadway	Er. Comm. Bldg.	
13191	Pacific Pools	12 Hampton Ct	Er. Fence	
13192	Pacific Pools	12 Hampton Ct	Er. Pool-In Grnd	
13193	Picket Fence Inc	90 Kennedy Ct	Er. Fence	
13194	Kirkman, Charles	5676 Genesee St	Er. Deck	
13195	Dance Spectrum	4705 Transit Rd	Er. Sign-Temp	
13196	Burkhardt, Guenter	5950 Broadway	Dem. Comm. Bldg.	
13197	Duro-Shed Inc	82 Heritage Dr	Er. Shed	
13198	Thrush, Michael	11 Regency Ct	Er. Fence	
13199	Stachowiak, Alan	15 Glendale Dr	Er. Deck	

13200	Ferry Builders Inc	130 Nichter Rd	Er. Dwlg.-Sin.	
13201	Horbett, Kenneth	293 Pavement Rd	Er. Foundation	
13202	Majestic Pools Inc	67 Old Post Rd	Er. Fence	
13203	Majestic Pools Inc	67 Old Post Rd	Er. Pool-In Grnd	
13204	Majestic Pools Inc	222 Nathan's Trl	Er. Fence	
13205	Majestic Pools Inc	222 Nathan's Trl	Er. Pool-In Grnd	
13206	Ehrenreich Constr.	4979 William St	Er. Shed	
13207	Swimco Mfg	49 Quail Run Ln	Er. Fence	
13208	Swimco Mfg	49 Quail Run Ln	Er. Pool-In Grnd	
13209	City Fence Inc	312 Lake Ave	Er. Fence	(V/L)
13210	Sun Enterprises	20 Arrow Trl	Er. Shed	
13211	Duro-Shed Inc	39 Cedar Brook Dr	Er. Shed	
13212	Mesner, Melinda	392 Seneca Pl	Er. Shed	
13213	Duro-Shed Inc	38 Sussex Ln	Er. Shed	
13214	Majestic Pools Inc	33 Hill Valley Dr	Er. Pool-In Grnd	
13215	Majestic Pools Inc	33 Hill Valley Dr	Er. Fence	
13216	Good Neighbor Fence	12 Avian Way	Er. Fence	
13217	Randir Construction	3 Rue Madeleine Way	Er. Shed	
13218	Danelski, Robert	458 Central Ave	Er. Garage	
13219	Kuras, Carl	8 Lakeside Cres	Er. Shed	(V/L)
13220	Majestic Pools Inc	6 Running Brook Dr	Er. Fence	
13221	Majestic Pools Inc	6 Running Brook Dr	Er. Pool-In Grnd	
13222	Sun Construction	11 Katelyn Ln	Er. Shed	
13223	Duro-Shed Inc	4901 William St	Er. Shed	
13224	Fronczak, Jimmy	47 Quail Run Ln	Er. Shed	
13225	Duro-Shed Inc	7 Bentley Cir	Er. Shed	
13226	Forbes Homes Inc	23 Regency Ct	Er. Dwlg.-Sin.	
13227	Eleczko, Christopher	126 Iroquois Ave	Er. Shed	
13228	Larkin, Thomas	72 Wayne St	Er. Fence	(V/L)
13229	Alessardra, Vincent	7 Northbrook Ct	Er. Fence	
13230	Kovach Enterprises	5151 Genesee St	Er. Sign-Temp	
13231	Zima, Kathleen	81 Pheasant Run Ln	Er. Shed	
13232	Ruiz, Robert	106 Maple Dr	Er. Res. Alt.	
13233	Streit, George	7 Village View	Er. Deck	
13234	Duro-Shed Inc	594 Lake Ave	Er. Shed	
13235	DCG Construction	7 Michael's Walk	Er. Deck	
13236	Essex Homes Of WNY	25 Americo Ct	Er. Dwlg.-Sin.	
13237	Essex Homes Of WNY	12 Americo Ct	Er. Dwlg.-Sin.	
13238	Marrano/Marc Equity	335 Pleasant View Dr	Er. Dwlg.-Sin.	
13239	Koblich, Arthur	60 Williamsburg Ln	Er. Res. Add.	
13240	Duro-Shed Inc	48 Michael Anthony	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Pleasant Meadows Associates, LLC, developer of the Pleasant Meadows Subdivision and the balance of the Pleasant Meadows proposed development involving other housing types and office properties has as a part of the environmental review and zoning change agreed to convey to the Town of Lancaster a wetland area comprising approximately 41.678 acres to the Town of Lancaster to assure that the wetlands remain in their natural state, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed the conveyance and deems it appropriate for the Town Board to now accept the offer of the conveyance of 41.678 acres of federal and New York State designated wetland to assure that these wetland areas are not disturbed or developed in the future.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the offer of the conveyance of 41.678 acres of federal and New York State designated wetland by the developer, Pleasant Meadows Associates, LLC, of the Pleasant Meadows Subdivision and the balance of the Pleasant Meadows proposed development involving other housing types and office properties to assure that these wetland areas are not disturbed or developed in the future.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: rpleasantmeadows905

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Jerry Napier of Monster Plex Inc., 66 Westfield Avenue, Depew, New York has requested that the Town Board approve a site located on the north side of Broadway at 6114 Broadway comprising approximately 39 acres as an out-of-district customer to Erie County Sewer District No. 4, and

WHEREAS, the Town Board has given due review and consideration to the request;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves a site at 6114 Broadway, Lancaster, New York, being approximately 39 acres situate on the north side of Broadway as an out-of-district customer to Erie County Sewer District No. 4.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

September 6, 2005

File: routofdistrictsewer905a

COMMUNICATIONS & REPORTS:

431. Ferdinand J. Ciccarelli, Attorney to Town Clerk -
Advisement of liquor license renewal application for Lancaster Country Club, Inc.
DISPOSITION = Town Attorney
432. Concerned Citizens to Town Board -
Petition opposing proposed Senior Living Complex, Bradley Road. DISPOSITION =
Planning Committee
433. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from Town Forestry Department regarding proposed Pleasant Meadows
Subdivision, Phase II. DISPOSITION = Planning Committee
434. Concerned Citizens to Town Board -
Letters opposing proposed Senior Living Complex, Bradley Road. DISPOSITION =
Planning Committee
435. Chris T. Brunca to Supervisor -
Letter requesting approval of proposed Senior Living Complex, Bradley Road.
DISPOSITION = Planning Committee
436. Columbus Club of Lancaster Inc. to Town Clerk -
Advisement of liquor license renewal application. DISPOSITION = Town Attorney
437. NYS DEC to Supervisor -
Letter regarding Flood Map Modernization Program and flood mapping priorities for Town.
DISPOSITION = Town Engineer, Town Attorney
438. Erie County Department of Environment & Planning to Town Board -
Notice of Household Hazardous Waste Drop-Off Day on September 10, 2005 at 20 Peabody
Street, Buffalo. DISPOSITION = Received & Filed
439. Highway Superintendent to Planning Board Chairman -
Notice of approval regarding sketch plan for proposed Pleasant Meadows Subdivision
Phase II. DISPOSITION = Planning Committee
440. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from Town Forestry Department regarding revised landscape plan for
Honda Power Center and Auto Auction Facility. DISPOSITION = Planning Committee
441. NYS DEC to Town Board -
Notice of compliance by Town for clearing of log jam in Ellicott Creek.
DISPOSITION = Town Engineer
442. Genesee Engineering Planning & Surveying, P.C. to Town Clerk -
Letter responding to Municipal Review Committee's comments regarding proposed
Gourmet Grocery Store, William Street. DISPOSITION = Planning Committee
443. Town of Alden to Town Board -
Transmittal of resolution regarding proposed closing of Alden Ewell Free Library.
DISPOSITION = Received & Filed
444. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town
Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held August 17, 2005. DISPOSITION = Received &
Filed
445. Planning Board to Town Board -
Recommend approval of site plan for Enterprise Car Rental & Retail Space, 6691/6699
Transit Road; condition noted. DISPOSITION = Resolution 9/6/05
446. Planning Board to Town Board -
Recommend denial of rezone application for Senior Living Facility, Bradley Road;
comment noted. DISPOSITION = Planning Committee


447. Planning Board to Town Board -
Recommend approval of sketch plan for proposed Plum Creek Commerce Center, N.S. of Erie Street, E. of Walter Winter Dr., W. of Cemetery Road; comment noted. DISPOSITION = Planning Committee
448. Planning Board to Town Board -
Recommend approval of site plan for Insurance Claim Center, 6691/6699 Transit Road; conditions noted. DISPOSITION = Resolution 9/6/05
449. Ripa's Restaurant to Town Clerk -
Advisement of liquor license renewal application. DISPOSITION = Town Attorney
450. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notice of recommended changes by Town Forestry Department regarding landscape plan for Progressive Insurance Claim Center, 6691 & 6699 Transit Road. DISPOSITION = Resolution 9/6/05
451. Highway Superintendent to Planning Board Chairman -
Notice of approval regarding sketch plan for Fairway Hills Subdivision, Phase 2; request noted. DISPOSITION = Planning Committee
452. Highway Superintendent to Planning Board Chairman -
Notice of approval regarding proposed Larkspur East Patio Homes Subdivision. DISPOSITION = Planning Committee
453. Town Clerk to Town Board -
Special Use Permit Application for Besroi Construction Corporation, 5434 Genesee Street. DISPOSITION = For Public Hearing
454. Town Clerk to Town Board -
Special Use Permit Application for Heather DeSimone, 34 Ashland Court. DISPOSITION = Resolution 9/6/05
455. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, September 14, 2005 at 9:30 A.M. in Buffalo. DISPOSITION = Town Engineer
456. Richard S. Walczak, Sharon A. Walczak to Supervisor -
Letter regarding open fires in residential subdivisions. DISPOSITION = Town Attorney
457. Supervisor to Buffalo & Erie County Public Library Board -
Letter regarding proposed closure of Depew Branch Library. DISPOSITION = Supervisor
458. Police Chief to Town Board -
Request for upgrade of Police Officer Marco Laurienzo to Police Lieutenant. DISPOSITION = Resolution 9/6/05
459. Police Chief to Town Board -
Request appointment of Jennifer A. Armstrong Public Safety Dispatcher. DISPOSITION = Resolution 9/6/05
460. General Crew Chief to Town Attorney -
Request resolution to solicit bids to replace roof on Building #28 at Town Center. DISPOSITION = Resolution 9/6/05
461. Highway Superintendent to Town Board -
Request to auction certain highway surplus equipment. DISPOSITION = Resolution 9/6/05
462. Town Attorney to Town Board, Planning Board -
Notice of SEQR meeting to be held Tuesday, September 6, 2005, 6:30 PM regarding Larkspur East Patio Homes, Gourmet Grocery Store, and Progressive Insurance and Enterprise Car Rental Site Plan. DISPOSITION = Received & Filed
463. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Tuesday, September 6, 2005, 6:30 PM regarding Larkspur East Patio Homes, Gourmet Grocery Store, and Progressive Insurance and Enterprise Car Rental Site Plan. DISPOSITION = Received & Filed

464. Eric County Department of Public Works to Town Attorney -
Notification of Lead Agency Designation regarding proposed Larkspur East Patio Homes.
DISPOSITION = Planning Committee
465. NYS Office of Parks, Recreation and Historic Preservation to Town Attorney -
Comments regarding proposed Larkspur East Patio Homes. DISPOSITION = Planning
Committee
466. NYS DEC to Supervisor -
Transmittal of corrected copy of Communication No. 437. DISPOSITION = Received &
Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL
MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 10:35 P.M.**

Signed


Johanna M. Coleman, Town Clerk